

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ATLANTIC RESEARCH
MARKETING SYSTEMS, INC.,**

Plaintiff,

v.

TROY INDUSTRIES, INC.,

Defendant.

CIVIL ACTION NO.:

1:10-cv-10761

JURY TRIAL DEMANDED

COMPLAINT

Comes now Plaintiff, Atlantic Research Marketing Systems, Inc. (“A.R.M.S.”), who brings this action against defendant Troy Industries, Inc. (“Troy”) for patent infringement. By this Complaint, A.R.M.S. seeks, *inter alia*, injunctive relief and monetary damages and alleges as follows:

THE PARTIES

1. A.R.M.S. is a Massachusetts corporation with its principal place of business located at 230 W. Center Street, West Bridgewater, Massachusetts.
2. Upon information and belief, Troy is a Massachusetts corporation having a principal place at business of 151 Capital Dr., W. Springfield, MA 01089.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action for patent infringement pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Troy because, upon information and belief, Troy is a Massachusetts corporation that resides in Massachusetts and makes, sells, and offers to sell infringing products in Massachusetts.

5. Venue is proper under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b).

COUNT 1: PATENT INFRINGEMENT

6. A.R.M.S. re-states and incorporates paragraphs 1-5 of this Complaint as if fully set forth herein.

7. A.R.M.S. is the sole owner of and has full right, title, and interest in U.S. Patent No. 7,707,762 (the “‘762” patent) with the exclusive right to sue for past, present, and future infringement thereof.

8. Troy is making, using, selling, and/or offering to sell modular integrated rail assembly products, including but not limited to Troy “BattleRail MRF” products, that directly infringe the ‘762 patent pursuant to 35 U.S. C. § 271 *et seq.*

9. Troy is indirectly infringing the ‘762 patent by supplying infringing devices to its customers with knowledge of the ‘762 patent.

10. Upon information and belief, Troy has had notice of the application that matured into the ‘762 patent, including the claims therein, and has deliberately and willfully continued to make, use, sell, and/or offer to sell infringing modular integrated rail assembly products despite this knowledge.

11. Troy’s infringement of the ‘762 patent is causing A.R.M.S. reparable and irreparable harm.

12. Troy’s infringement will continue to injure A.R.M.S. and cause A.R.M.S. to suffer financial damage in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, A.R.M.S. respectfully requests this Court to grant the following relief, and any other relief the Court may deem proper, against Troy:

1. Enter judgment in favor of A.R.M.S. determining that Troy infringes U.S. Patent No. 7,707,762 in violation of 35 U.S.C. §271 *et seq.*
2. Permanently enjoin Troy, its officers, agents, employees and representatives, and all those controlled by or acting in concert or privities with them, from infringing U.S. Patent No. 7,707,762.
3. Award A.R.M.S. monetary damages for violation of its provisional rights pursuant to 35 U.S.C. § 154(d).
4. Award A.R.M.S. monetary damages for patent infringement.
5. Award A.R.M.S. treble damages and its attorneys' fees for willful infringement of U.S. Patent No. 7,707,762.

JURY DEMAND

A.R.M.S. demands trial by jury for all issues so triable.

Respectfully submitted,
Attorneys for the plaintiff,
Atlantic Research Marketing Systems,
Inc.

Date: May 4, 2010

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